

2/13/2017 - IT IS SO ORDERED.

/S/SOLOMON OLIVER, JR.

CHIEF JUDGE

UNITED STATES DISTRICT COURT UNITED STATES DISTRICT COURT
COURT FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

**ALLEN BINSTOCK,
REGIONAL DIRECTOR OF REGION 8
OF THE NATIONAL LABOR RELATIONS
BOARD, FOR AND ON BEHALF OF THE
NATIONAL LABOR RELATIONS BOARD**

PETITIONER

JUDGE OLIVER

CIVIL CASE NO. 1:17-cv-00221

V.

AFFILIATED METAL INDUSTRIES, INC.

RESPONDENT

VOLUNTARY DISMISSAL OF PETITION

Counsel for the Petitioner, Allen Binstock, Regional Director of Region 8 of the National Labor Relations Board, respectfully moves for voluntary dismissal of this case pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. In support thereof, Petitioner states as follows:

1. On February 2, 2017, the Petitioner filed with this Court a Petition for Injunction under Section 10(j) of the National Labor Relations Act, 29 U.S.C. §160(j) (Petition).
2. On February 9, 2017, Petitioner, Respondent, and the Charging Party, who filed the unfair labor practice charge, entered into an Informal Board Settlement Agreement resolving underlying unfair labor practice case. The Informal Board Settlement Agreement provides for substantially similar obligations upon Respondent as the relief requested in the underlying Petition.

3. Respondent's compliance with the Informal Board Settlement Agreement will extinguish the Petitioner's need for injunctive relief. Therefore, Petitioner now seeks voluntary dismissal of the matter before this Court.
4. Respondent's counsel was notified on February 9, 2017 of the Petitioner's intent to file this voluntary motion for dismissal and has no objections.
5. Accordingly, the Petitioner submits that its request for voluntary dismissal is proper and respectfully moves this Court to grant its Motion to Voluntarily Dismiss the Petition.

Dated at Cleveland, Ohio this 9th day of February 2017.

Respectfully submitted,

/s/ LerVal M. Elva

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